Members in Attendance:
Michael Schlein; Toby Musser; Penny Reed; Shelly Gross-Wade; Kenneth Krach; Janelle Straszheim; Nick D'Ambrosia; Michael Kasnic; Alex Montanio; Rodney Ritter; Kathie Connelly; Michael Chodos; Rick Triola; David Shean; Bill O'Connell; Josaphine Yuzuik

Members of the Public in Attendance:
Michol Bobb; Adeela Yousufi; Bob Enten; Lindsay Rowe; Alfred Piombino

Welcome
Michael Schlein, Co-Chair, called the meeting to order at 1:14PM. He welcomed everyone to the sixth meeting of the 2018 Notary Work Group.

Introductions
Attendance was taken by Michael Schlein.   A quorum was not established.

Review of Minutes from September 11, 2018 Meeting
Michael Schlein, Co-Chair, asked the Work Group members if everyone reviewed the September 11, 2018 minutes. Members acknowledged they did. He asked if there were any edits. Ken Krach stated that there was one edit necessary; changing "a notarization" in the second to last line of Bob Enten's comment to "an instrument."

Because a quorum was not established at this time, minutes could not be approved.

Maryland Notary Law, Regulations, and Handbook: Comments/Suggestions
Michael Schlein asked if the members reviewed the law, regulations, and handbook and had any suggestions or comments. None were made.

Michael Schlein asked the Subgroups to report their progress.

Michael Schlein asked the Liability Subgroup to present their report.

Liability including: Record Keeping/Privacy/Liability of the Notary Report:
Liability Subgroup Reporter, Toby Musser, summarized their work. No changes have been made to the draft report that he reviewed with the work group last month. He expects to write a final report in the next week and a half. Increasing security of the home address is the last point of discussion.

Michael Schlein invited comments from the Work Group. There were no comments.

Michael Schlein asked the Identity Management Subgroup to present their report.

Identity Management including: Fees/Expenses/Necessary Tools:
Identity Management Subgroup Member, Michael Schlein, reported on behalf of Reporter, Lydia Williams. No new action has been taken. The subgroup plans to meet on Friday, October 12th, to finalize thoughts on satisfactory identification and record keeping.

Michael Schlein invited comments from the Work Group. There were no comments.

Michael Schlein asked the Enforcement Subgroup to present their report.

Enforcement including: (including remote mechanisms) /Registration/Name Changes:

Enforcement Subgroup Reporter, Alex Montanio, summarized their work. Suggestions are as follows:

1. Outsourcing the background checks to companies that handle this work would make it more efficient and consistent.
2. Clarifying that a Notary's seal is a public seal as defined in the Criminal Law Article of the Annotated Code.
3. A list of reasons to remove for someone for "good cause" should exist but that it should be limited to the violations of the law that occur most while leaving it open to the Secretary of State to remove someone at their discretion for something not on the list. The list of things for which someone could be removed is as follows:
   a. Providing untrue information on an application;
   b. Not keeping a record;
   c. Failing to identify the signer properly;
   d. Charging excessive fees;
   e. Any other action within the discretion of the Secretary of State.

   The list was intentionally not made too specific. The intent is to highlight some regularly occurring issues, which provides an educational benefit, without limiting the Secretary of State to a specific list of items for which they can remove someone.

Michael Schlein invited comments from the Work Group.

Nick D'Ambrosia: Agreed that it is good to have a catch-all item in the list of what is "good cause".

Michael Chodos: Many states have rules to strengthen what is considered good cause.

Josie Yuzuik: Good cause should be tailored specific to a notary's duties.

Michael Schlein asked the Remote Notarization Subgroup to present their report.

Remote Notarizations including: Cost of Technology/Financial Transactions
Remote Notarization Subgroup Reporter, Nick D'Ambrosia, summarized their work. A final report was sent to the work group via email. No further feedback on the report was received.

Michael Schlein invited comments from the Work Group and encouraged anyone who has not yet read the report to review it in anticipation of our final work group meeting.

Bill O'Connell: Asked if Nick could change the document so that instead of saying "at least 2 years" to implement remote notarizations that it say "up to 2 years". Bill referenced other states in which it took much less time to implement than 2 years.

Nick D'Ambrosia: Agreed to make that change.

Alex Montanio: Asked if previous versions of the Maryland bills were used to create this remote notarization document.

Nick D'Ambrosia: The group used information provided by Kathy Smith, notary books, and other materials provided by group members regarding remote notarizations.

Ken Krach: Will send the bankers association items to Nick that are not included in the report. Also, he expressed concerns about at-risk adults' vulnerabilities as they relate to remote notarizations. His concern about vulnerable adults using remote notarization technology is that you do not get the feel of who is in the room. People acting as a witness to a document signed by a vulnerable adult are often the ones trying to take the money.

Nick D'Ambrosia: Remote notarization does allow a notary to see the whole room; remote notary must allow the notary to see the room.

Michael Chodos: Other states have developed scripts and rules for who can be a witness on certain documents; tools to protect vulnerable populations so that you are not reliant on only technology.

Alex Montanio: Asked if the witness requirement on certain documents is addressed in notary law.

Michael Schlein: Witness requirements on specific documents are not addressed in notary law, State Government Article, Title 18 or its regulations.

Michael Chodos: There is a Florida bill being considered that sets law specific to remote wills with a remote notarization.

Bill O'Connell: The key is how we define presence. Where does presence occur? With a witness, is the witness in the presence of the signer and vice versa. How do you define presence for a witness for a remote notarization.

Michael Chodos: If a witness is remote and the signer is remote; the witness must declare that they've seen the signing of the document and verify that on the record for a remote notarization.

Nick D'Ambrosia: The law created regarding remote notarizations has to be fluid so that it may adapt to the ever-changing technology.

Michael Schlein asked the Education and Testing Subgroup to present their report.

Education and Testing
Education and Testing Subgroup Member, Michael Schlein, reported on behalf of Reporter, Kathie Connelly. He shared that who bears the cost of education and testing must be figured out; that the Secretary of State would need funding and infrastructure to enact education and testing. He said that additional funding and infrastructure is truly needed for any of the ideas being discussed.

Michael Schlein invited comments from the Work Group.

Rod Ritter: No issue with paying a nominal fee for education and testing but he would not take a 4 hour class at a community college for what he does. He would not be willing to take a remote notarization class either since he does not plan to do it. It would not be worth it to him.

Michael Schlein: Clarified that the preferred method for delivering educating and testing is an online class and testing; not one that would require you to take several hours, in person. Also, he explained that should remote notarization become law, that he cannot envision someone being required to take remote notarization education and testing unless the person wanted to be a remote notary. For someone that did not want to do remote notarizations, education and testing on the subject should not be required.

Michael Chodos: Notaries take additional education to be a notary signing agent and can market themselves as such. Remote notaries would be similar to that; additional education for the ability to be a remote notary.

Michael Schlein asked if there are any recommendations from the group at this time.

Recommendations to Date:
Bill O'Connell: Asked if there was any recommendation on the notary approval process.

Michael Schlein: Nothing formally made but we will not be dramatically changing it.

Approval of Minutes from September 11, 2018 Meeting:
Late arriving attendees caused the Work Group to reach a quorum. Michael Schlein, Co-Chair, asked the Work Group members if everyone reviewed the September 11, 2018 minutes. Members acknowledged they did. He asked if there

were any edits in addition to the one mentioned earlier by Ken Krach which changed "a notarization" in the second to last line of Bob Enten's comment to "an instrument." No further changes to the minutes were suggested.

Michael Schlein asked if there was a motion to approve the minutes. Nick D'Ambrosia made a motion to approve. Shelly Gross-Wade seconded the motion. Michael Schlein asked members to vote. The motion to approve the minutes was passed unanimously.

Other Business/Questions/Comments:
Michael Schlein: Asked the work group if there were any additional questions or comments. None were made.

Michael Schlein: Introduced Alfred Piombino, a guest of the work group. Mr. Piombino has published books about the rules of Notaries Public. He asked Mr. Piombino to speak.

Alfred Piombino: Discussed topics such as record keeping, enforcement, the fee for commissioning, and education. For record keeping, he mentioned that other states allow notaries to place their records at state archives since they are an officer of the state. Regarding enforcement, he urged us to consider notaries like other public officials when acting illegally; explaining that a big problem is that people do not take being a notary seriously because of the ease of getting a commission. Regarding the fee to become a notary; he explained that Maryland has the lowest application fee of any state that he has seen and that should the fee to be a notary get raised, it'll cause those that do often use it or do not take it seriously to evaluate the worth in staying a notary.   Regarding education; he suggested a two-tiered system; the greater the responsibility, the greater the education.

Adjournment:
Michael Schlein, Co-Chair, thanked everyone for their efforts.

The meeting adjourned at 2:28 P.M.